



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,586	02/12/2002	Perry J. Blackshear	14014.0349U2	9700
7590	09/16/2005			EXAMINER SISSON, BRADLEY L
NEEDLE & ROSENBERG, P.C. 999 Peachtree Street Suite 1000 Atlanta, GA 30309			ART UNIT 1634	PAPER NUMBER

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/049,586	BLACKSHEAR ET AL.	
	Examiner Bradley L. Sisson	Art Unit 1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 53-61,71 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 53-61,71 and 72 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. Acknowledgement is made of applicant having filed an amendment to the claims in the response received 24 August 2005. The various components of a response, e.g., amendment to the claims, amendment to specification, abstract, and remarks should all begin on a separate sheet. In the instant case, however, the last page of the claims amendment occurred with the beginning of the remarks. Applicant is required to resubmit their amendment with the various parts of the response beginning on separate sheets.
2. Acknowledgement is made of the cancellation of claims. Accordingly, only claims 53-56 are currently pending.

Withdrawal of Finality

3. Upon consideration of the request found at page 4 of the response received 24 August 2005, the finality of the prior Office action is hereby withdrawn.

Specification

4. The specification is objected to as documents have been improperly incorporated by reference. In particular, the specification states:

Throughout this application, various publications, patents, and/or patent applications are referenced in order to more fully describe the state of the art to which this invention pertains. The disclosures of these publications, patents, and/or patent applications are herein incorporated by reference in their entireties to the same extent as if each independent publication, patent, and/or patent application was specifically and individually indicated to be incorporated by reference.

Such omnibus language fails to specify what specific information applicant seeks to incorporate by reference and similarly fails to teach with detailed particularity just where that specific information is to be found in each of the cited documents.

5. Attention is also directed to MPEP 608.01(p)I, which, in pertinent part, is reproduced below:

Mere reference to another application, patent, or publication is not an incorporation of anything therein into the application containing such reference for the purpose of the disclosure required by 35 U.S.C. 112, first paragraph. In re de Seversky, 474 F.2d 671, 177 USPQ 144 (CCPA 1973). In addition to other requirements for an application, the referencing application should include an identification of the referenced patent, application, or publication. Particular attention should be directed to specific portions of the referenced document where the subject matter being incorporated may be found.
(Emphasis added)

6. As set forth In *Ex parte Raible*, 8 USPQ2d 1707, (BPAI, 1998)

The examiner is of the opinion that the general incorporation by reference of the Bentley disclosure in appellant's specification is insufficient to support the specific disputed limitations of the present claims in the manner required by section 112 of the statute. We agree

* * *

We believe that the doctrine of incorporation by reference is of no avail to appellant in this regard since there is no specific indication in the instant specification of the particular features disclosed by Bentley which correspond to those intended for use in the here-claimed device; nor does the specification identify the specific portions of the patent which appellant may have intended to rely upon to supplement his disclosure. The purpose of incorporation by reference in an application of matter elsewhere written down is for economy, amplification, or clarity of exposition, by means of an incorporating statement clearly identifying the subject matter which is incorporated and where it is to be found. *In re de Seversky*, 474 F.2d 671, 177 USPQ 144, (CCPA 1973).

7. Accordingly, the cited documents are not considered to have been properly incorporated by reference and as such, have not been considered with any effect towards their fulfilling, either in part or in whole, the enablement, written description, or best mode requirements of 35 USC 112, first paragraph. Applicant is urged to consider removing language, which states that the various documents have been incorporated by reference.

Response to argument

8. At page 5 of the response applicant's representative requests clarification of the basis of the request that the language be removed, noting that the cited documents are not being relied upon.

9. The preceding argument has not been found persuasive fro as long as the statement is in the specification, there is an explicit statement that applicant is in fact relying upon it, if not know, then at some point in the future. Applicant is again urged to either a) delete the language, b) present convincing argument as to why the statement is proper and should be maintained, or c) take other appropriate action.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 53-61, 71, and 72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Attention is directed to the decision in *University of Rochester v. G.D. Searle & Co.* 68 USPQ2D 1424 (Fed. Cir. 2004) at 1428:

To satisfy the written-description requirement, the specification must describe every element of the claimed invention in sufficient detail so that one of ordinary skill in the art would recognize that the inventor possessed the claimed invention at the time of filing. *Vas-Cath*, 935 F.3d at 1563; see also *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572 [41 USPQ2d 1961] (Fed. Cir. 1997) (patent specification must describe an invention and do so in sufficient detail that one skilled in the art can clearly conclude that “the inventor invented the claimed invention”); *In re Gosteli*, 872 F.2d 1008, 1012 [10 USPQ2d 1614] (Fed. Cir. 1989) (“the description must clearly allow persons of ordinary skill in the art to recognize that [the inventor] invented what is claimed”). Thus, an applicant complies with the written-description requirement “by describing the invention, with all its claimed limitations, not that which makes it obvious,” and by using “such descriptive means as words, structures, figures, diagrams, formulas, etc., that set forth the claimed invention.” *Lockwood*, 107 F.3d at 1572.

12. A review of the disclosure finds the following examples:

- Example 1, pages 33-50, “TTP is a Regulator of GM-CSF mRNA Deadenylation and Stability;”
- Example 2, pages 50-60, “Inhibitor of Macrophage TNF α Production by TTP;”
- Example 3, pages 61-87, “Evidence that TTP Binds to AU-Rich Elements and Promotes the Deadenylation and Destabilization of TNF α mRNA;” and
- Example 4, pages 87-106, “The tandem zinc finger domain from TTP and TTP-related proteins binds to AU-rich elements and destabilizes mRNA.”

As is plainly evident, none of the examples is drawn to the claimed method. A review of the disclosure fails to locate an adequate written description of the claimed invention. While applicant has sought to incorporate numerous documents, said documents have been improperly incorporated by reference and as such cannot be relied upon for satisfaction of the written

Art Unit: 1634

description requirement of 35 USC 112, first paragraph. Assuming *arguendo*, that the documents could be relied upon, a point that the Office does not concede, the specification still does not set forth in sufficient detail, e.g., by way of exemplification, how the claimed invention is to be practiced.

13. It appears that applicant is attempting to satisfy the written description requirement of 35 USC 112, first paragraph, through obviousness. Obviousness, however, cannot be relied upon for satisfaction of the written description requirement. In support of this position, attention is directed to the decision in *University of California v. Eli Lilly and Co.* (Fed. Cir. 1997) 43 USPQ2d at 1405, citing *Lockwood v. American Airlines Inc.* (Fed. Cir. 1997) 41 USPQ2d at 1966:

Recently, we held that a description which renders obvious a claimed invention is not sufficient to satisfy the written description requirement of that invention.

14. While one is not required to provide examples of each and every embodiment encompassed by the claims, the specification still must provide such a full, clear, concise, and exact description of the invention so as to reasonably suggest that applicant was in possession of the invention. As noted above, such disclosure is not found in the instant application wherein the method is drawn to identification of compounds that modulate the binding of tristetraproline or a TTP-like polypeptide to an AU-rich element. In addition to the specification not teaching the claimed method in language sufficient to satisfy the written description requirement, the specification does not teach where any compound has been discovered/identified as a result of practicing the claimed method.

15. As addressed in the Office action of April 2005, applicant's representative, in their March 2005 response, directed attention to Example 2 (page 55, line 7-20) as providing a written description of the invention. Said argument is not persuasive as the claimed method is not directed to simply having human TTP bind to the ARE of TNF α -3'-UTR. Rather, the claimed method is directed to a method, which identifies compounds that modulate such activity. Neither a review of the specification nor the response identify where any such compound has been identified as a direct result of practicing the claimed method.

16. Agreement is reached where at page 7 of the August 2005 response applicant's representative asserts that there are at least two requirements under 35 UC first paragraph. Indeed, the first paragraph of 35 USC 112, encompasses enablement, written description, and best mode contemplated. As presented above, the specification has not been found to provide the requisite full, clear, and concise description of the claimed invention (including best mode contemplated) so as to reasonably suggest that applicant had possession of the invention at the time of filing. As a matter of fact, the specification has not been found to provide an example, real or prophetic, where any compound has been found by the claimed method, much less a compound that has been found and has a specific and substantial utility. Interestingly, the response of August 2005 was found to contain a declaration under 37 CFR 1.131. The declaration has not been found to contain any evidence where any compound has been found by practicing the claimed method.

17. At page 2 (paragraph 3) of the declaration of Professor Keene said declarant asserts:

I believe that someone in the field of RNA metabolism at the time the application was filed would have been able to envision all of the steps of the recited methods for identifying a compound that interfered with the binding of TTP to an ARE based on the description provided in the specification.

Art Unit: 1634

In support of this position declarant directs attention to a single sentence found at page 30, beginning at line 8 of the specification, which reads:

"[a] variety of assay methods can be used to determine whether a given compound interferes with TTP or related protein binding to the GM-CSF ARE and the breakdown of GM-CSF mRNA."

It appears that the declarant is asserting that the specification would in effect render obvious the claimed methods for the specification does not each the method steps that would be required to practice the invention. Further to this point, applicant's representative at page 10 of the response assert:

Applicants have described the critical materials for the claimed method (ARE and TTP) and the steps to be used. Those of skill in the art would recognize the claimed method and its steps and accept that Applicants were in possession of the claimed method. As to the first step, the skilled person would know that how a compound is delivered (e.g., diluent, pH, concentration, or duration of contact) to an assay system (e.g., ARE + TTP) is dependent upon both the nature of the candidate compound and of the assay being used.

As to the compound, the Applicants disclose in the specification (page 31, line 13 to page 32, line 8) examples of compounds that can be screened using the provided screening method. However, it should be recognized that by its very nature a screening assay anticipates the realm of compounds that cannot be predicted, before their use in the assay, to have any function in the assay.

For convenience, the passage found at page 31, line 13, bridging to page 32, line 8, is reproduced below.

In general, compounds that modulate the activity of TTP and TTP-like polypeptides may be identified from large libraries of natural products or synthetic (or semi-synthetic) extracts or chemical libraries according to methods known in the art. Those skilled in the field of drug discovery and development will understand that the precise source of test extracts or compounds is not critical to the screening procedure(s) of the invention. Accordingly, virtually any number of chemical extracts or compounds can be screened using the exemplary methods described herein. Examples of such extracts or compounds include, but are not limited to, plant-, fungal-, prokaryotic- or animal-based extracts, fermentation broths, and synthetic compounds, as well as modification of existing compounds. Numerous methods are also available for generating random or directed

synthesis (e.g., semi-synthesis or total synthesis) of any number of chemical compounds, including, but not limited to, saccharide-, lipid-, peptide-, polypeptide- and nucleic acid-based compounds. Synthetic compound libraries are commercially available, e.g., from Brandon Associates (Merrimack, NH) and Aldrich Chemical (Milwaukee, WI).

Alternatively, libraries of natural compounds in the form of bacterial, fungal, plant, and animal extracts are commercially available from a number of sources, e.g., Biotics (Sussex, UK), Xenova (Slough, UK), Harbor Branch Oceangraphics Institute (Ft. Pierce, FL), and PharmaMar, U.S.A. (Cambridge, MA). In addition, natural and synthetically produced libraries are generated, if desired, according to methods known in the art, e.g., by standard extraction and fractionation methods. Furthermore, if desired, any library or compound is readily modified using standard chemical, physical, or biochemical methods.

18. As is evident from both applicant's representative's argument and from the cited passages of the disclosure, applicant envisions screening virtually any type and number of compounds, or libraries. While assertions have been made that one would intuitive know the methods to be used to practice the method, no description of the method steps, much less a description of the preferred embodiments is provided.

While a declaration has been provided, and applicant's representative has also provided opinion statements as to what one of skill in the art would have been capable of inferring, these arguments have not been found persuasive. Attention is directed to MPEP 2145.

Attorney argument is not evidence unless it is an admission, in which case, an examiner may use the admission in making a rejection. See MPEP § 2129 and § 2144.03 for a discussion of admissions as prior art.

The arguments of counsel cannot take the place of evidence in the record. *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); *In re Geisler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997) ("An assertion of what seems to follow from common experience is just attorney argument and not the kind of factual evidence that is required to rebut a prima facie case of obviousness."). See MPEP § 716.01(c) for examples of attorney statements which are not evidence and which must be supported by an appropriate affidavit or declaration.

19. While a Rule 1.132 declaration has been provided, it offers only opinion statement as to the sufficiency of the specification in terms of satisfying the written description requirement.
20. As noted previously, the specification does not contain any example of where the claimed method had been practiced whereby any specific product was realized; much less disclose the best mode contemplated when screening various forms or classes of compounds. The absence of such a showing, and specific teachings, when coupled with forward-looking statements as to what may or could be done, does not reasonably suggest that applicant was in possession of the claimed invention at the time of filing.
21. At page 11 of the response applicant's representative asserts that applicant's use of terms "could" and "would" in identifying what methods the public should engage in when practicing the invention are purely stylistic and not forward looking. This argument has not been found persuasive as none of the examples found in the disclosure are directed to practicing the claimed invention. Further, no evidence has been presented which shows that the method of the claimed invention was well known in the art and for which no disclosure is warranted. And there is no showing, even of post filing testing, of where the claimed method has been practiced and any useful product has been realized.
22. Claims 53-61, 71, and 72 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well-established utility.
23. It matters not whether the claim is drawn to a product or process; the claim must be drawn to an invention that satisfies the utility requirements as set forth under 35 USC 101 and as

further developed in the Utility Guidelines. In support of this position, attention is directed to

Brenner, Comr. Pats. v. Manson, 148 USPQ 689 (US Sup Ct 1966):

Whatever weight is attached to the value of encouraging disclosure and of inhibiting secrecy, we believe a more compelling consideration is that a process patent in the chemical field, which has not been developed and pointed to the degree of specific utility, creates a monopoly of knowledge which should be granted only if clearly commanded by the statute. Until the process claim has been reduced to production of a product shown to be useful, the metes and bounds of that monopoly are not capable of precise delineation. It may engross a vast, unknown, and perhaps unknowable area. Such a patent may confer power to block off whole areas of scientific development, 22 without compensating benefit to the public. The basic quid pro quo contemplated by the Constitution and the Congress for granting a patent monopoly is the benefit derived by the public from an invention with substantial utility. Unless and until a process is refined and developed to this point-where specific benefit exists in currently available form- there is insufficient justification for permitting an applicant to engross what may prove to be a broad field.

* * *

We find absolutely no warrant for the proposition that although Congress intended that no patent be granted on a chemical compound whose sole "utility" consists of its potential role as an object of use-testing, a different set of rules was meant to apply to the process which yielded the unpatentable product. 24 That proposition seems to us little more than an attempt to evade the impact of the rules which concededly govern patentability of the product itself. This is not to say that we mean to disparage the importance of contributions to the fund of scientific information short of the invention of something "useful," or that we are blind to the prospect that what now seems without "use" may tomorrow command the grateful attention of the public. But a patent is not a hunting license. It is not a reward for the search, but compensation for its successful conclusion.

24. At page 18, line 21, bridging to page 19, line 3, applicant asserts "TTP deficiency has similar effect on the stability of another mRNA containing a class II ARE, i.e., the mRNA encoding GM-CSF... The present studies allow for the development of new therapeutic approaches for stimulating GM-CSF production, for example, in a patient or subject, by increasing the stability of its mRNA." Page 19, lines 18-21, state "[t]he patient can be human or

Art Unit: 1634

non-human primate, or any animal that experiences granulocytopenia (e.g., a cat, a dog, a horse, a bird, or a rodent) as part of a pathological condition or exposure to a granulocyte-depleting amount of a toxic substance (e.g., a chemotherapeutic agent). Additionally, populations of cells in vitro can be enriched for granulocytes according to the present method. These cells may be from cell culture or they may be primary cells ex vivo. These populations of cells can be used as research tools to study GM-CSF or they can be returned to the subject.”

25. In order for the claimed method to have utility, the method must give rise to a product that in turn has utility, or has been shown to give rise to a product or method that in turn has utility. In the present case, the specification does not teach where any compound has been identified by the claimed method, much less that the product so identified has in fact been found to satisfy the utility requirements, either directly or indirectly. Therefore, and in the absence of convincing evidence to the contrary, claims 53-61, 71, and 72 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well-established utility.

26. Claims 53-61, 71, and 72 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Response to argument

27. At page 15, bridging to page 16 of the response, applicant's representative asserts, *inter alia*, “Those of skill in the art will recognize that a method of finding a compound that interferes in the disclosed pathway is valuable and has utility.”

28. The above argument has not been found to be supported by any evidentiary showing and as such is considered to be conclusory in nature and the opinion of applicant's representative.

Such statements are not dispositive of the instant rejection. See MPEP 2145, *supra*.

29. At page 15, bridging to page 16 of the response applicant's representative directs attention to passages of the specification which describe "the invention" as being directed to a method of treatment of an individual with granulocytopenia. This argument is not persuasive, as the claims are not drawn to such a method.

30. At page 15 of the response said representative asserts: "This utility can be based on the importance of the mechanism on which the method is based and the credible real world uses for compounds that might be identified by the method." (Emphasis added.)

31. The above argument has been fully considered and has not been found persuasive. Satisfaction of the utility requirement is not achieved on what "might be identified." Rather, utility must exist in a currently available form at the time of filing. Neither the specification, applicant's representative's remarks, nor the sworn declaration provide any teaching of where the claimed method has resulted in the identification of any compound that meets the utility requirement.

32. The situation at hand is analogous to that of *In re Fisher* (CAFC, 04-1465, decided 07 September 2005). In *Fisher* the disclosure provided five ESTs and assertions as to their potential utility. Here, applicant is claiming a method of identifying compounds that may have an activity. Like *Fisher*, no evidence has been presented that the ESTs, or here the product of the claimed method, does in fact have any of the alleged utilities. While a declaration has been provided, it does not contain a showing that the method has resulted in the identification of any product that

has a specific, credible, and substantial utility. While declarant asserts that "the identification of a compound that inhibits the degradation of GM-CSF mRNA that would be a candidate for use in a method of treating granulocytopenia in a subject, is a scientifically credible utility based on the data presented in the specification," (emphasis added) the specification has not shown that such a compound has been identified by the claimed method. Further, the aspect of finding a candidate compound (which could be an EST) is not considered to be a substantial utility as the utility requirement is not satisfied for like the ESTs of *Fisher*, the product, even it had been produced/found, would be at best the subject of further research and development so to determine if it does in fact have any real value. In view of the clear need for the product of the claimed invention to have utility, and no convincing showing has been made in this regard as to its satisfaction, no specific, substantial, and credible utility exists in readily available form at the time of filing. Therefore, and in the absence of convincing evidence to the contrary, the rejection is maintained.

33. Claims 53-61, 71, and 72 remain rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Conclusion

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley L. Sisson whose telephone number is (571) 272-0751. The examiner can normally be reached on 6:30 a.m. to 5 p.m., Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached on (571) 272-0745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1634

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bradley L. Sisson
Primary Examiner
Art Unit 1634

BLS
09 September 9, 2005